

#### IV. AMENDMENTS TO THE DRAWINGS

--- Replacement and annotated mark-up drawing sheets for amended figures showing the amended figures, if any, are attached at the Appendix hereto. Each figure is in compliance with 37 C.F.R. § 1.84. An explanation of the changes, if any, is set forth below in this “Amendments to the Drawings” section. Replacement drawing sheets are identified in the top margin as “Replacement Sheet.” Any replacement drawing sheet including amended figures includes all of the figures appearing on the immediate prior version of the sheet. Any annotated drawing sheets, if the same are required by the Examiner, are identified in the top margin as “Annotated Marked-Up Drawings.” Any deleted figure is noted by an instruction to delete the figure. Any corresponding amendment to the specification necessary to be made because of an amendment to the drawings in this section is made in the corresponding “Amendments to Specification” section.

- THE DRAWINGS OF THE PATENT IS HEREBY AMENDED AS SET FORTH BELOW:
  - *No Amendment Made to the Drawings*
  - *Attachments: None*

## V. REMARKS/ARGUMENTS

- STATUS OF THE CLAIMS

Claims 2 – 41 remain pending in this application. Claims 19, 27 and 41 are currently amended.

- OBJECTIONS

- OBJECTIONS TO CLAIMS

- Examiner's Position

The Examiner has raised an objection to claim 27. The Examiner has indicated that “1/99 an 99/1” of the claim should be amended to “1/99 and 99/1” (paragraph 5 of the Office Action).

- Applicants' Response

Applicants extend their appreciation for the Examiner's pointing out of this obvious typographical error. In response, Applicants have amended claim 27 in accord with the Examiner's suggestion.

- REJECTIONS

- REJECTION UNDER 35 U.S.C. §112, Second Paragraph

The Examiner has rejected claims 2 – 5, 19, 20 and 41 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention (paragraph 5 of the Office Action). The Examiner urges that while step (b) recites that a total cash plan “cost basis are [sic] determined on the basis of the inventory allocations and the cost bases of the inventory components” step (a) fails to positively recite these elements. The Examiner argues that the step as recited only indicates an “intention of identifying inventory allocations, etc.” (paragraph 6 of the Office Action). The Examiner further argues that

the same deficiency affects dependent claims 2 – 5 (paragraph 8 of the office action). The Examiner has suggested to correct the “deficiency ... that the claim be amended to read: ‘Maintaining an inventory data base ... thereby inventory allocations ... investment values are identified in the inventory data base’” (paragraph 7 of the Office Action).

In regard to claims 19 and 20, the Examiner rejects the claims under 35 U.S.C. §112, second paragraph, on the basis that the claims are ambiguous “as to which company” is being asserted. The Examiner seeks clarification.

- Applicants’ Response

Applicants respectfully traverse the rejection of claims 2 – 5, 19, 20 and 41 based in part on the argument that one of ordinary skill in the art would understand that such does not identify an intention. However, Applicant has amended the claim 41 in a manner that is believed to be in accord with the Examiner’s assertion. Such amendment therefore also obviates the rejection of claims 2 – 5 which depend on claim 41.

In regard to the rejection of claims 19 and 20, Applicants herein have amended claim 19 to clarify valuations are of the CSC. Thus it is asserted that claim 20 is also clarified by the amendment.

- ALLOWABLE SUBJECT MATTER

- Examiner’s Position

The Examiner has asserted that claims 6 – 18 and 21 – 40 are deemed allowed over the prior art. The Examiner has also indicated that “[a]ll other claims are allowable subject to resolution of the aforementioned deficiencies” (paragraph 10 of the Office Action).

- Applicants’ Response

The Applicants extend their appreciation to the Examiner for the allowance of claims 6 – 18 and 21 – 40. As Applicants believe they have addressed each of the Examiner’s objections and rejections, all other claims are now also allowable.

CONCLUSION TO REMARKS

Applicants assert that this response is fully responsive to the Examiner's Office action dated November 22, 2005. Applicants respectfully seek early allowance of the pending claims.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Hans-Peter G. Hoffmann", with a long horizontal stroke extending to the right.

Hans-Peter G. Hoffmann, Reg. No. 37,352  
Agent for Applicants  
Kelley Drye & Warren LLP  
Two Stamford Plaza  
281 Tresser Boulevard  
Stamford, CT 06901-3229  
[hhoffmann@kelleydrye.com](mailto:hhoffmann@kelleydrye.com)

## VI. APPENDIX

- *No Appendix Material is attached*